IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL W.P.NO.9 OF 2007

New Jerusalem Church ..Petitioner

Vs.

Shri.M.A.Soosai
and Ors. ..Respondents

...

Mr.S.A.Sawant advocate for Petitioner
Mr.O.R.Tiwari for Respondent no.1
Mr.Rajesh More A.P.P. for the State

...

CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : MAY 03, 2007

P.C.

1. Heard the learned advocate for the petitioner-original complainant, learned advocate for the respondent no.1-original accused and the learned A.P.P. for the State.

2. The applicant i.e. original complainant has filed this application for cancellation of bail granted in C.R.No.282 of 2006 of Bhandup Police Station, Bhandup. Respondent no.1 was released on bail by the learned Metropolitan Magistrate, 27th Court, Mulund, Mumbai by order dated 15.12.2006. The said order reads as under:

"Heard. Accused is released on bond of Rs.10,000/- on execution of PB and SB in the like amount or cash surety on condition:

i) shall not repeat similar offence;;
ii) shall (not) tamper evidence / witnesses"

3. On perusal of the said order, it is seen that no reasons whatsoever are given in the said order. Some reasons ought to have been given by the learned Magistrate while granting bail. In view of the fact that there are no reasons in the order, this order deserves to be set aside.

4. However, the learned APP states that the investigation is over and the charge sheet has been filed. The learned APP further states that at this stage, the custody of the applicant is not required. In view of this statement, it is clear that the bail of the applicant need not be

cancelled on the ground that the custody of the applicant is necessary for investigation purposes.

5. Mr.Sawant, the learned advocate for the petitioner states that the respondent is continuously writing letters to various authorities i.e. Bar Council, Human Rights Commission etc. and thus the Respondent is harassing the complainant and him. Mr.Tiwari, the learned advocate for the respondent no.1 states that respondent no.1 will withdraw the said letters including letter dated 13.3.2007 written to the Bar Council of India. The learned advocate for the respondent no.1 further states that respondent no.1 will desist from writing any such letters in future. In view of the above statements, Mr.Sawant, the learned advocate for the petitioner is not pressing this petition for cancellation of bail granted to the respondent no.1.

6. Though I am of the view that an order granting bail which is devoid of reasons, should not be allowed to stand however, in view of the statements made by the learned APP and by the learned advocate for the applicant, in my opinion today no useful

purpose would be achieved by cancelling the bail granted to the applicant. However, a condition is imposed on the respondent no.1, that is respondent no.1 is directed to report once in a fortnight to the concerned Police Station in relation to C.R.No.282 of 2006 till conclusion of trial.

7. In view of the above, writ petition is disposed of with above directions.

[Smt.V.K.Tahilramani, J.]